

I hereby certify that this correspondence is being deposited with the United States Postal Service on the date set forth below as First Class Mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231.

Date of Signature and Deposit: September 20, 2002

David M. Kettner

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventors: Barney et al.

Date: September 20, 2002

Serial No.: 09/664,519

Examiner: Kam, C.

RECEIVED

Filing Date: September 18, 2000

Group Art Unit: 1653

SEP 20 2002

For: USE OF HOP ACIDS TO INHIBIT GROWTH OF
STAPHYLOCOCCUS AUREUS AND PREVENT
TOXIC SHOCK SYNDROME

TECH CENTER 1600/2900

RESPONSE

Commissioner for Patents
Box Non-Fee
Washington, D.C. 20231

Sir:

The below remarks and amendments to the Claims are made in response to an Office Action dated June 20, 2002 in the above-identified application. In this Office Action, the Examiner rejected Claims 1-14 under 35 U.S.C. §112, second paragraph, and Claims 9-11 under 35 U.S.C. § 102 and § 103 in view of Nutter et al.

In the Claims

Please cancel claims 9-11 and amend Claims 1 and 12 as follows:

1. (Amended) A method for affecting the growth of *Staphylococcus aureus*, said method comprising the step of:

contacting an environment containing *S. aureus* with a compound selected from the group consisting of hexahydro beta acids, hexahydro beta salts, tetrahydroiso alpha acids, and tetrahydroiso alpha salts, in an amount effective to kill, inhibit, or otherwise control the growth or proliferation of *S. aureus* without preventing the growth of *Lactobacillus*.